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Note verbale dated 8 September 2017 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council, and has the honour to attach herewith a letter dated 8 September 2017 addressed to the President of the Council by the Permanent Representative of the Syrian Arab Republic on the report of the Commission of Inquiry on the Syrian Arab Republic (A/HRC/36/55) (see annex). It kindly requests that the letter be circulated in all official languages of the United Nations as a document of the thirty-sixth session of the Council under agenda item 4.

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Annex

Letter dated 8 September 2017 from the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I am writing to you on instructions from my Government concerning the report of the International Commission of Inquiry on the Syrian Arab Republic (A/HRC/36/55), which contains inadmissible politically-motivated accusations that are based on statements and narratives devoid of truth and on testimonies submitted by non-neutral parties, unsupported by any material evidence. Although all the allegations the document contains are to be refuted, the most serious aspect of the report lies in the fact that the Commission has overstepped its mandate and insisted on involving itself in issues that fall within the jurisdiction of other bodies, thereby pre-empting the outcome of the work of those bodies. By insisting on involving itself in the issue of chemical weapons and their use, the Commission is flagrantly overstepping its own mandate and that of the Human Rights Council. It is also encroaching upon the jurisdiction of the technical fact-finding commissions set up by the Organization for the Prohibition of Chemical Weapons (OPCW) as well as upon the mandate of the Joint Investigative Mechanism, not to mention that of the Security Council which created it, while blatantly attempting to hinder the activities of the Mechanism and pre-empt the outcome of its investigations, which are currently ongoing. Ever since it was established under a Human Rights Council resolution, the Commission of Inquiry has persisted in issuing reports and statements containing findings based on politically-motivated accusations rather than on legal analysis, and in making declarations to the media in a manner inconsistent with the minimum standards of impartiality, integrity and professionalism by which the Commission is supposed to abide. The Commission has continued to exceed its mandate as a "fact-finding and monitoring body", taking it upon itself to make accusations, adopting a politicized and selective approach by relying on the claims and testimonies of non-neutral parties and coming up with recommendations and interpretations that have no material foundation. It is striking that the report should confirm the hidden intentions that one member of the Commission revealed via the media when she made questionable accusations that the Syrian Arab Army was responsible for an alleged incident at Khan Shaykhun, just a few hours after the incident occurred on 4 April 2017 and before anyone had investigated the matter. The fact that the report has adopted those and other tendentious statements contrasts with the norms that should govern the activities of United Nations agencies. At the same time, it clearly aims to provide justifications for fresh attacks against the Syrian Arab Republic and cover for the American aggression against the Shayrat Airbase, as the Trump administration has failed to produce any evidence to justify its claims and has hindered the relevant agencies from carrying out impartial, transparent and objective investigations at the site of the incident in Khan Shaykhun and at Shayrat Airbase.

While reaffirming the fact that it has never at any time employed toxic chemical substances, and strongly condemning the use of chemical weapons anywhere for any purpose and on any pretext, the Syrian Arab Republic states that it does not possess any chemical weapons and that it has abandoned its chemical programme, as corroborated by the relevant international organization. By overstepping its mandate in terms of subject, location and time, and repeating allegations concerning the incident at Khan Shaykhun fabricated and spread by parties linked to terrorist groups, the Commission has shown how little weight it gives to its own credibility and indicated that it is unaware of the shortcomings in its accusations: the fact that the samples on which it relied do not comply with credible norms and the lack of reliability or neutrality of the parties who transported those samples from the site of the alleged incident to Turkey. Moreover, the Commission reached its findings on the basis of open sources as well as of images, information and statements from witnesses provided by dubious groups implicated in terrorist activities and untrustworthy non-governmental organizations. At the same time, it ignored important

information that contradicted that narrative and that is available in open sources that quote research centres and media outlets that are both reliable and credible.

Human Rights Council resolution S-17/1, under which the States involved in the war against the Syrian Arab Republic established the Commission, defined a mandate that was politicized and biased from the outset. Moreover, the inequitable manner in which the Commission has conducted itself in implementing that mandate in the Syrian Arab Republic is an inducement to reject all the reports it has produced, while the persistent divisions within the Council when it voted on the aforementioned resolution, and on subsequent resolutions that extended the Commission's mandate, merely underscore the rejection of its unprofessional conduct. The biased and politicized manner in which the Commission has gone about its work ever since it was established, the favouritism it shows towards certain sides and certain States, its neglect of the legitimate right of the Syrian Arab Republic to defend its citizens against terrorism and its interference with situations on the ground and with efforts towards national reconciliation have turned its reports into instruments at the service of the goals and agendas of those States, to the detriment of the credibility of the Council and its role in protecting and promoting human rights without political ends or double standards. For these reasons, the Syrian Arab Republic asks the Council to put a stop to the Commission's continuing abuses and to establish rules capable of preventing certain member States from exploiting the mechanisms of the Council so serve their political ends and interests, at the expense of the Council itself and its credibility.

I would be grateful if this letter could be circulated as an official document of the thirty-sixth session of the Council under agenda item 4.

Hussam Edin **Aala**
Ambassador and Permanent Representative